



REV. 11/98  
For Other Than A Small Entity

Docket No. LT-5 Reissue

Applicant : Carl T. Nelson

Serial No. : 08/794,374

Filed : December 10, 1996

For : SWITCHING VOLTAGE REGULATOR CIRCUIT

Group Art Unit : 2700

Examiner : Hien H. Phan

Hon. Assistant Commissioner  
for Patents  
Washington, D.C. 20231

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Group 2700

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Sir:

Transmitted herewith: [X] an Updated Status of Concurrent Litigation; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 18 =	\$
INDEPENDENT CLAIMS	-	** =	X \$ 78 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$260 =	\$

\* If less than 20, insert 20. TOTAL \$ \_\_\_\_\_

\*\* If less than 3, insert 3.

[ ] A check in the amount of \$\_\_\_\_ in payment of the filing fee is transmitted herewith.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[ ] Please charge \$\_\_\_\_\_ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

[ ] The following extension is applicable to the Response filed herewith; [ ] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [ ] \$380.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [ ] \$870.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [ ] \$1,360.00 extension fee for response within fourth month pursuant to 37 C.F.R.

§ 1.136(a); \$1,850.00 within fifth month pursuant to  
37 C.F.R. § 1.36(a).

A check in the amount of [ ] \$110.00; [ ] \$380.00;  
[ ] \$870.00; [ ] \$1,360.00; [ ] \$1,850.00 in payment  
of the extension fee is transmitted herewith.

The Commissioner is hereby authorized to charge  
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37 C.F.R. § 1.17 in connection with the paper(s)  
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Please charge the [ ] \$110.00; [ ] \$380.00;  
[ ] \$870.00; [ ] \$1,360.00; [ ] \$1,850.00; extension  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. LT-5 Reissue

**APPLICATION FOR REISSUE  
OF U.S. PATENT 4,823,070**

Date of Issue : April 18, 1989  
Inventor : Carl T. Nelson  
Title : SWITCHING VOLTAGE REGULATOR  
CIRCUIT  
Assignee : Linear Technology Corporation  
Reissue Serial No. : 08/794,374  
Reissue Filing Date : December 10, 1996  
Examiner : Hien H. Phan, Art Unit 2700

Hon. Assistant Commissioner  
for Patents  
Washington, D.C. 20231

May 6, 1999

UPDATED STATUS OF CONCURRENT LITIGATION

Pursuant to a telephone request from Special Programs Examiner Phan on April 27, 1999, applicant hereby provides an updated status report on the concurrent litigation, in view of which the proceedings in the above-identified reissue application are suspended.

The concurrent litigation involves United States patent 4,775,741 assigned to Linear Technology Corporation ("LTC"), which shares a common filing date with LTC's U.S. Patent 4,823,070 now in reissue. In the litigation, the defendant Micrel raised the defense that claims of LTC's '741 patent are invalid in view of the on-sale bar of 35 U.S.C. § 102(b).

On April 1, 1997, the Patent and Trademark Office issued a Decision on Request for Suspension of Action that suspended the proceedings in the above-identified reissue application pending the outcome of concurrent litigation.

On September 20, 1997, applicant informed the Office that a trial date for the subject litigation had been set for January 20, 1998. That trial date was postponed until April 7, 1998.

On April 7-10, 1998, the Court conducted a trial on the on-sale bar defense raised by the defendant Micrel. After the trial, the parties submitted Post-trial Proposed Findings of Fact and Conclusions of Law.

On November 12, 1998, LTC notified the Court of a recent decision by the United States Supreme Court in the case of Pfaff v. Wells Electronics, Inc., 119 S. Ct. 304 (1998). In March 1999, the parties submitted additional notices to the Court concerning recent on-sale bar decisions.

The Court continues to have the matter under submission.

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